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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HARPER, KEVIN C

ART UNIT

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2666

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/739,388	YOUNG	
	Examiner Kevin C. Harper	Art Unit 2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 July 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

***Response to Arguments***

Applicant's arguments, filed July 11, 2005, have been fully considered but they are not persuasive.

1. Applicant argued that Chow in view of Matsunami does not disclose the claimed invention. However, Chow in view of Matsunami discloses and makes obvious the claimed invention. Chow provides two serverlets connected to a disk resource (fig. 3) and Matsunami suggests a switch allowing multiple local devices access to disarrays (fig. 1). The motivation for the combination is for scalability (Matsunami, col. 12, lines 4-14 and 25-40).
2. Applicant argued that the Matsunami reference teaches away from Chow due to a bottleneck in JBOD access. However, in Chow each ION device must have access to the JBODs (col. 8, lines 63-67), while Matsunami similarly allows for each host device to access all disk arrays (figs. 4 and 15; col. 12, line 66 through col. 13, line 1).
3. Applicant argued that Chow does not disclose a second switching device to couple the switch fabric to the serverlets. However, the interface 802 provides a switching function by allowing data transmission between the switch fabric and the ION (note: the data received is transmitted to the ION; col. 25, lines 44-50).
4. Applicant argued that Hipp does not disclose a bus. However, Hipp discloses a bus (fig. 1, backplane 34) between serverlets (fig. 1, items 32) and a disk system (item 54). In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., SCSI or PCI backplane) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 9-15 and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chow et al. (US 6,148,349) in view of Matsunami et al. (US 6,542,961).

5. Regarding claim 1, 6, 9-11, 15 and 18-20, Chow discloses a system module (fig. 2, item 226) to couple a switch fabric network (item 106) to shared I/O resources (items 224). The module comprises a first serverlet (figs. 2 and 3, item 212) and a second serverlet (figs. 2 and 3, item 214). The system also comprises a second switching device (fig. 8, item 802; col. 25, lines 44-50) to couple to the switch fabric network and the first and second serverlets. However, Chow does not disclose a switch and bus for coupling the serverlets to the I/O resources. Matsunami discloses processors (fig. 1, item 30) coupled to I/O resources (item 10; fig. 2) by a switch (item 20; fig. 3) and a data bus (items 31). The switch has a controller device (item 70), a switching device to couple the first interface device to the second interface device (fig. 1, item 20; note: port connections from each host to the switch), and has a third interface device (fig. 1, item 204) to couple between the second switching device and another data bus (item 21). The data bus (item 21) is coupled to the I/O resources and the controller couples the inherent second switching device to the data bus. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a switch and bus couple serverlets to I/O resources in the invention of

Chow in order to enhance scalability or improve reliability (Matsunami, col. 12, lines 4-14 and 25-40).

6. Regarding claim 2, 12 and 21, in Chow the I/O resources comprise a first disk system (fig. 2, item 218) and a second disk system (item 222).

7. Regarding claims 3-4 and 13, in Chow the serverlets each comprise memory devices and a processing unit (fig. 3, item 304), a first power conversion unit (item 306), and an inherent interface to couple the processing unit and the memory devices.

8. Regarding claims 5, 14 and 22, Chow discloses that the network (fig. 1, item 106) is Fibre Channel (col. 38, lines 7-13).

Claims 7, 16 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chow et al. in view of Matsunami et al. as applied to claims 1, 11 or 20 above, and further in view of Whiting et al. (US 6,456,626).

9. Regarding claims 7, 16 and 23, Chow in view of Matsunami discloses a data bus (Matsunami, fig. 1, item 21) to couple the serverlets to the second switching device (Chow, fig. 8, item 802). However, Chow in view of Matsunami does not disclose a third switching device coupled to the switch fabric. Whiting discloses a backup network interface (fig. 5, item 150; col. 4, lines 28-32) connected to a switch fabric (item 10). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a third switching device coupled to the switch fabric in the invention of Chow in view of Matsunami in order to provide a redundant connection to the switch fabric in the event the primary switch or interface fails.

Claim 8, 17 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chow in view of Matsunami and Whiting as applied to claim 7 above, and further in view of Kaneko (US 5,739,777).

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10. Regarding claims 8, 17 and 24, Chow in view of Matsunami and Whiting discloses a second switching device (fig. 8, item 802) coupled to a network (item 106). However, Chow in view of Matsunami and Whiting does not disclose a switching device comprising a first conversion unit, a second conversion unit and a switching device to couple the switch fabric to the first and second conversion unit. Kaneko discloses a first conversion unit (fig. 1, item 8) a second conversion unit (item 9) and a switch for selecting a conversion unit. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a first and second conversion unit and a switch in the second switching device of Chow in view of Matsunami and Whiting in order to properly format data received from a network.

Claims 25-26 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chow et al. (US 6,148,349) in view of Hipp et al. (US 6,325,636).

11. Regarding claims 25-26 and 29, Chow discloses a system (fig. 2) comprising several serverlets (items 212 and 214) each comprising a processor and memory (fig. 3, item 304) and a power conversion unit (item 306). The serverlets are coupled to a shared disk system (fig. 2, item 218 and 222) and a switch fabric network (106). However, Chow does not disclose that the serverlets include a DIMM and that the system includes a chassis comprising first and second switching devices. Hipp discloses a system (fig. 1, item 38) comprising serverlets (item 32; fig. 2) comprising a DIMM (fig. 2, item 93; col. 10, lines 37-43), and a chassis (item 38) to house multiple serverlets. The chassis comprises a first switching device (fig. 1, item 48; fig. 5; col. 12, lines 47-50 and 62-65) to couple a shared disk system (fig. 1, item 54) and a second switching device (fig. 1, item 40; col. 12, lines 37-40 and 47-50) to couple to a switched fabric network (item 45). The system includes a data bus (fig. 1, item 34) to connect the serverlets to the switching devices, where the first and second data buses are the same. The serverlets of the system (fig 10, item 32) do not

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include a cooling system (fig. 10, item 264-269). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a server chassis for serverlets of the invention of Chow in order to simplify or make easier the implementation of several computing resources.

12. Regarding claim 30, Chow in view of Hipp discloses serverlets that include an internal disk system (fig. 2, item 86). In removing a disk system, the scope of the serverlet is merely broadened by eliminating elements and their functions. It has been held that omission of an element and its function is an obvious expedient if the remaining elements perform the same function as before. *In re Karlson*, 136 USPQ 184 (CCPA). Also note *Ex parte Rainu*, 168 USPQ 365 (Bd. App. 1969) (omission of a reference element whose function is not needed would be obvious to one skilled in the art). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to not have an internal disk system in the invention of Chow in view of Hipp.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chow in view of Hipp as applied to claim 26 above, and further in view of Aguilar et al. (US 6,199,137).

13. Chow in view of Hipp discloses a data bus connecting switching devices. However, Chow in view of Hipp does not disclose the data bus is Hublink. Aguilar discloses a system bus that is Hublink, among several other standardized buses (col. 5, lines 46-48). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a Hublink bus in the invention of Chow in view of Hipp in order to provide fast, standardized interconnectivity between computer components.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chow in view of Hipp as applied to claim 26 above, and further in view of Bealkowski et al. (US 5,465,357).

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14. Chow in view of Hipp does not disclose accessing boot information from a disk system. Bealkowski discloses accessing boot information from a disk system (fig. 1B, col. 11, lines 29-32). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to perform network booting for serverlets in the invention of Chow in view of Hipp in order to easily provide access to an update-to-date operating system or to reduce the complexity of the serverlets.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period; then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 571-272-3174. The centralized fax number for the Patent Office is

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571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin C. Harper

September 10, 2005

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